

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

STEVEN R. KINCAID,	)	
	)	
Plaintiff,	)	CA No. 04 CV 11522 WGY
	)	
vs.	)	
	)	
BANK OF AMERICA CORPORATION,	)	
	)	
Defendant.	)	
	)	

**MOTION FOR LEAVE TO FILE REPLY BRIEF**

Pursuant to Local Rule 7.1(B)(3), defendant Bank of America Corporation hereby moves for leave to file the attached two-page reply brief in connection with the Bank's Motion For Leave To Utilize Previously Disclosed Treatment Notes And To Question Plaintiff's Psychiatrist Regarding Such Notes.

In support of this motion, the Bank states that consideration of the reply brief is necessary to clarify several inaccurate statements contained in the plaintiff's opposition to the motion.

**Local Rule 7.1(A)(2) Certification**

I certify that I attempted to confer with opposing counsel, by email on January 20, 2006, in a good faith attempt to resolve the issue presented by this motion.

/s/ Siobhan M. Sweeney  
Siobhan M. Sweeney  
Mark A. Pogue

BANK OF AMERICA CORPORATION,  
Defendant  
By its attorneys,

/s/ Siobhan M. Sweeney

Siobhan Sweeney

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Dated: January 20, 2006.